

Serial No.: 09/780,288
 Examiner: Kevin T. Bates

REMARKS/ARGUMENTS

Claims 1-18 remain in this application. Claims 1 and 10 have been amended.

Claims 1 and 10 have been amended to included the limitations of "*identifying data services which necessitate one of a higher transmission rate and higher quality standard than a first transmission service subscription*" and "*issuing a premium billing for the data service based on the increase in the one of transmission rate and quality standard above the first transmission service subscription*". Applicant respectfully asserts that none of the cited references, whether taken alone or in any reasonable combination teach, suggest or otherwise render the presently claimed invention unpatentable. Thus, it is believed that the Application is in condition for allowance and Applicant respectfully request withdrawal of the pending rejection to claims 1 and 10.

Claims 2-9 and 11-18 depend from and further limit, in a patentable sense, independent claims 1 and 10, respectively, and, hence, are also submitted to be in condition for allowance.

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of claims 1-18 as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

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